



Minutes
City of Burlington Plan Commission
February 10, 2015, 6:30 p.m.

Mayor Robert Miller called the Plan Commission meeting to order at 6:30 p.m. Roll call: Alderman Tom Vos; Alderman Ruth Dawidziak; and Commissioner Darrel Eisenhardt were present. Commissioners John Lynch; Chris Reesman; and Michael Deans were excused. Student Representative Kylie Dawley was present.

APPROVAL OF MINUTES

Commissioner Eisenhardt moved, and Alderman Vos seconded to approve the minutes of January 13, 2015. All were in favor, and the motion carried.

LETTERS & COMMUNICATIONS

None

CITIZEN COMMENTS

None

Michael Deans arrived at 6:31 p.m.

PUBLIC HEARINGS

A. A Public Hearing to hear public comments regarding a Conditional Use application from Mary Ann Sander of Fat Daddyz Tats for property located at 160 W. Chestnut Street to utilize the building for the operation of a tattoo and body piercing studio.

- Mayor Miller opened the Public Hearing at 6:31 p.m.
- There were no comments.

Alderman Vos moved, and Alderman Dawidziak seconded to close the Public Hearing at 6:32 p.m. All were in favor and the motion carried.

B. A Public Hearing to hear public comments regarding a Conditional Use application from Bryan Linstroth of Stein Gardens & Gifts to have a temporary outdoor display of seasonal merchandise in the northwest portion of the parking lot at 1008 Milwaukee Avenue.

- Mayor Miller opened the Public Hearing at 6:32 p.m.
- There were no comments.

Alderman Vos moved, and Commissioner Eisenhardt seconded to close the Public Hearing at 6:33 p.m. All were in favor and the motion carried.

OLD BUSINESS

A. On behalf of Aurora Health Care, further consideration and Plan Commission recommendation to the Common Council regarding the approved Planned Unit Development (PUD) Detailed Site Plan for the proposed Aurora Health Care Facility at 1062 Spring Valley Road relating to off-street parking dimensions, as illustrated on Sheet A001 “Architectural Site Plan” as prepared by Hammel, Green and Abrahamson, Inc. dated October 22, 2014 (and all other Site Plan-related drawings) including the October 22, 2014 Project Narrative from HGA.

[INFORMATIONAL NOTE: Notwithstanding the recommendations of Meehan & Company, Inc.’s October 29, 2014 memorandum to the Plan Commission regarding off-street parking dimensions and the proposed Aurora Health Care Facility, based upon past interpretation by the Plan Commission of Section 315-43(F) of the City of Burlington Municipal Code, deviations of “width” have also included deviations from the “width” of off-street parking dimensional standards set forth in the City of Burlington Municipal Code.]

- Mayor Miller opened this item for discussion.
- Patrick Meehan stated the request is to decrease the parking dimensions from 65 feet to 63 feet or 180 square feet to 171 square feet. The handicap parking stalls would remain the same size. Alderman Vos stated he was concerned the size of each parking stall would be too small for large vehicles. Mayor Miller stated each parking stall would only be reduced by 1 foot in length. Commissioner Eisenhardt stated the number of parking spaces would stay the same, but the parking space sizes and isles will lose 18 square feet. Patrick Meehan commented there would still be 583 parking stalls. Mayor Miller stated Kohl’s Department Store and Pick ‘n’ Save Grocery Store were approved with similar measurements.
- Alderman Vos questioned if the greenspace is what drove them to decrease the size of the parking spaces. Craig Workman stated there were numerous development review meetings discussing the struggles of the surrounding wetlands and verbally agreed to allow the downsizing of the parking spaces. Troy Stegge from HGA stated originally the parking measurements on the Site Plan were more restricted with 162 square feet as typically done with Aurora projects. They changed the size to 171 square feet, making it more appropriate. Commissioner Deans clarified the size of the parking stall would be 9 feet in width and 19 feet in length.
- There were no further comments.

Commissioner Deans moved, and Alderman Vos seconded to approve the deviation to the off-street parking dimensions, subject to Patrick Meehan’s October 29, 2014 memorandum as follows:

- **INFORMATIONAL NOTE: Notwithstanding the recommendations of Meehan & Company, Inc.’s October 29, 2014 memorandum to the Plan Commission regarding off-street parking dimensions and the proposed Aurora Health Care Facility, based upon past interpretation by the Plan Commission of Section 315-43(F) of the City of**

Burlington Municipal Code, deviations of “width” have also included deviations from the “width” of off-street parking dimensional standards set forth in the City of Burlington Municipal Code.

All were in favor and the motion carried.

NEW BUSINESS

A. Consideration to approve a Conditional Use application from Mary Ann Sander of Fat Daddyz Tats for property located at 160 W. Chestnut Street to utilize the building for the operation of a tattoo and body piercing studio, subject to Patrick Meehan’s January 26, 2015 memorandum to the Plan Commission.

- Mayor Miller opened this item for discussion.
- Mayor Miller stated according to Attorney John Bjelajac’s January 16, 2015 memorandum this item should be tabled since there are upcoming court cases pending criminal charges against the operator of this business.
- There were no further comments.

Alderman Dawidziak moved, and Commissioner Deans seconded to approve tabling the Conditional Use application to utilize the building for the operation of a tattoo and body piercing studio.

All were in favor and the motion carried.

B. Consideration to approve a Conditional Use and a Site Plan application from Bryan Linstroth of Stein Gardens & Gifts to have a temporary outdoor display of seasonal merchandise in the northwest portion of the parking lot at 1008 Milwaukee Avenue, subject to Patrick Meehan’s January 26, 2015 and James DeLuca’s January 28, 2015 memorandums to the Plan Commission.

- Mayor Miller opened this item for discussion.
- Alderman Vos questioned how and what merchandise will be displayed. The representatives from Stein Gardens & Gifts replied it is a 21 foot by 36 foot anchored down greenhouse surrounded by a picket fence selling plants, flowers, perennials and a few other products, but there will be no gift center.
- Patrick Meehan stated the Site Plan followed all the City ordinances.
- There were no further comments.

Commissioner Eisenhardt moved, and Alderman Dawidziak seconded to approve the Conditional Use and Site Plan to have a temporary outdoor display of seasonal merchandise in the northwest portion of the parking lot at 1008 Milwaukee Avenue, subject to Patrick Meehan’s January 26, 2015 and James DeLuca’s January 28, 2015 memorandums to the Plan Commission as follows:

- The applicant is to construct a 21 foot x 36 foot (756 square feet) “Poly-Tex Garden Mart” greenhouse with an additional 1,920 square feet outdoor product display area fenced in with a picket-style fence adjacent to the roofed, greenhouse (with a door) totaling 2,700+/- square feet of area. The proposed “check-out” are would consist of a small shed (8 feet x 6 feet, totaling 48 square feet and 10 feet tall) which houses the and protects the “point of sale” registers.
- Electric service is required for two point of sale registers and communication equipment (maximum 15 amp, 110 volt circuit) supplied by an on-site generator (Honda Super Quiet EU1000i) running during the business day only—not 24 hours a day. Power ramps are to be provided where needed. Electrical circuits needed shall be properly Ground-Fault-Protected. The circuit should come from light pole if possible, any surface run wiring should be properly protected. Electrical permits shall be obtained prior to work performed. Water requirement is to be a single faucet (source to be determined by the City of Burlington pending approval of all required permits). No automatic watering equipment is to be used. All monies collected are to be removed from the site daily and taken off premises with no overnight storage of cash. The point of sale equipment is to be locked in an outdoor booth along with product which needs to be protected in the event of inclement weather. Temporary Shelter shall be properly anchored for wind loads per the State Building Code. Temporary barriers shall be installed to prevent vehicles accidently driving into the space.
- The types of products to be sold area would be annual flowers, flowering hanging baskets, pre-planted containers, vegetable plants, perennials, planting mixes, garden fertilizers and miscellaneous gardening accessories.
- The hours of operation are limited to between 7:00 a.m. and 9:00 p.m. and the period of operation is from Monday, April 27 through Friday, July 3. There shall be 2 to 3 employees on site at all times during business hours with a total of 10 to 12 employees.
- On-site restroom facilities are to be allowed at the Pick ‘n Save Grocery Store.
- The use shall not result in destruction or damage of the property. The materials for sale shall not be located in any driveway or block visibility for vehicles or pedestrians on or off the lot in a way that would create a safety hazard. Material for sale will not be in any right-of-way. All trash and debris shall be removed or contained daily. All materials shall be removed within 48 hours of the end of the operation.
- The signage shall be according to the City of Burlington sign regulations.
- The Plan Commission will review the temporary outdoor display of seasonal merchandise in one year in order to determine if the various conditions of approval have been met.

All were in favor and the motion carried.

C. Consideration to recommend to the Plan Commission an ordinance amending Section 315-30A of the Municipal Code regarding “Permitted Uses” in the M-1 District.

- Mayor Miller opened this item for discussion.
- Mayor Miller stated by adding the permitted uses to the M-1 Light Manufacturing District it would allow for a potential developer to utilize an existing building that could bring an additional 200-250 new jobs to the City.
- There were no further comments.

Alderman Vos moved, and Commissioner Deans seconded to approve an ordinance amending Section 315-30A of the Municipal Code regarding “Permitted Uses” in the M-1 District. All were in favor and the motion carried.

ADJOURNMENT

Alderman Vos moved, and Commissioner Deans seconded to adjourn the meeting at 6:53 p.m. *All were in favor and the motion carried.*

Recording Secretary
Kristine Anderson
Administrative Assistant